



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.  
State Superintendent of Education

August 25, 2022

**MEMORANDUM**

**TO:** City and County Superintendents of Education

**FROM:** Eric G. Mackey *EGM*  
State Superintendent of Education

**SUBJECT:** Shortened School Day for Students With Disabilities

The Alabama State Department of Education (ALSDE) has developed procedures for local education agencies (LEAs) to verify that each student with a disability receives a full instructional day as provided to his or her nondisabled peers **unless** the Individualized Education Program specifies a different length of time, based on the individual needs of the student [*Alabama Administrative Code*, Rule 290-8-9.05(2)(c)]. Obviously, this means each student with a disability must be in his or her classroom at the start of the school day and may not leave the classroom before the end of the school day. This includes students who have a 504 Plan. Furthermore, the start and end times for the school day must be the same for students with disabilities as for their nondisabled peers. Most assuredly, no student with a disability may receive a shortened school day due to transportation schedules or administrative convenience.

After being cited by the United States Office for Civil Rights (OCR), the ALSDE is currently in a resolution agreement to address this issue. We must comply by ensuring that no student with a disability has a shortened school day due to a transportation schedule or administrative convenience.

Please click the [PowerForm](#) link to complete the "Questionnaire Regarding Length of School Day 2022-2023" form. The form must be completed by each school principal and returned to the LEA Special Education Coordinator. As a part of the resolution agreement between the ALSDE and the OCR, the questionnaire must be completed annually until further notice. **The questionnaire should not be sent to the ALSDE.** The ALSDE staff will review the questionnaire during LEA Compliance Reviews and/or Special Education Technical Assistance visits. Based on the results of the questionnaire, the Special Education Coordinator, 504 Coordinator, Transportation Supervisor, and Superintendent must sign the "Assurance Statement." **The completed "Assurance Statement" must be submitted through DocuSign, by September 30, 2022.** The "Assurance Statement" will be filed at the ALSDE for review as necessary by the OCR.

If you have questions or need assistance, please contact Mr. Brian Dunn, Special Education Services, at (334) 694-4782 or Mr. Chad Carpenter, Pupil Transportation, at (334) 694-4545.

EGM/BD/CC

- cc: City and County Special Education Coordinators  
City and County Transportation Supervisors  
Mrs. Angela Martin  
Mrs. Shanthia Washington  
Dr. DaLee Chambers  
Mr. Brian Dunn  
Dr. Brandon T. Payne  
Mr. Chad Carpenter  
Mr. Billy Hollon

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